

SCOTTSDALE

# CITY COUNCIL MEETING



**\*\*\*AMENDED\*\*\* AGENDA (ITEM 11 MOVED FROM CONSENT TO REGULAR AGENDA)**

## COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Tuesday, September 9, 2003

## MARKED AGENDA

**4:00 P.M.**

### City Council Special Meeting

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Blvd. – **4:06 P.M.**

**Roll Call** – **ALL PRESENT**

- \*\*\*\*1. Brief update on Status of Scottsdale v. GlenAlden (preserve) litigation. Contact: C. Brad Woodford, 480-312-2478 ([bwoodford@scottsdaleaz.gov](mailto:bwoodford@scottsdaleaz.gov)) - **CITY MANAGER JAN DOLAN**
2. Brief update on status of negotiations FOR ACQUISITION OF A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104<sup>th</sup> Street. A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7). Contact: Robert Cafarella 480-312-2577, ([rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)) - **CITY MANAGER JAN DOLAN**
3. MOTION TO RECESS INTO EXECUTIVE SESSION for:
- \*\*\*\*a. Discussion or consultation with the City's attorney(s) and its outside counsel for legal advice and to consider its position and instruct its attorney(s) regarding the following pending litigation for acquisition of property at NE corner of 93<sup>rd</sup> Street and Dynamite Blvd. for inclusion in the McDowell Sonoran Preserve: *City of Scottsdale v. GlenAlden Homes L.L.C., et al. Case No. CV 99-13348*. A.R.S. 38-431.03 (A)(3) and (A) (4) Contact: C. Brad Woodford, 480-312-2478 ([bwoodford@scottsdaleaz.gov](mailto:bwoodford@scottsdaleaz.gov))
- b. Discussion with representatives of the Public Body and discussion and consultation with City attorneys for legal advice and to consider the City's position and instruct its representatives and attorneys regarding negotiations for acquisition of a portion of the following parcel for inclusion in the McDowell Sonoran Preserve: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104<sup>th</sup> Street. A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7). Contact: Robert Cafarella 480-312-2577, ([rcafarella@scottsdaleaz.gov](mailto:rcafarella@scottsdaleaz.gov)) – **OK – 7/0**

**Adjourn - 4:08 P.M.**

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# City Council Executive Session

Immediately Following 4:00 P.M. City Council Special Meeting

**Call to Order** – City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting scheduled for 4:00 P.M., above.

**Adjourn**

**5:00 P.M.**

**CITY COUNCIL MEETING**

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:11 P.M.**

**Roll Call - ALL PRESENT**

**Public Comment - NONE**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

**Minutes - OK – 7/0**

SPECIAL MEETINGS

August 25, 2003

August 26, 2003

REGULAR MEETINGS

August 25, 2003

August 26, 2003

EXECUTIVE SESSIONS

## CONSENT AGENDA

ITEMS 1 – 21

### 1. E4 Liquor License – OK - C

**Request:** Consider forwarding a approval recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new restaurant location.

**Location:** 4282 E. Drinkwater Blvd.

**Reference:** 48-LL-2003

**Staff Contact(s):** Jeff Fisher, Plan Review Director, 480-312-7619, [jfisher@ScottsdaleAZ.gov](mailto:jfisher@ScottsdaleAZ.gov)

### 2. Twisted Vine Gourmet Deli Liquor License – OK - C

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location. This request is due to a change in ownership of the business.

**Location:** 3360 N Hayden Rd

**Reference:** 53-LL-2003

**Staff Contact(s):** Jeff Fisher, Plan Review Director, 480-312-7619, [jfisher@scottsdaleaz.gov](mailto:jfisher@scottsdaleaz.gov)

# CONSENT AGENDA

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**3. Devils Martini Liquor License – OK – 6/1 (W.E.)**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) State liquor license for a new bar location which previously operated with a series 12 (restaurant) license under the business name Carvers.

**Location:** 10825 N Scottsdale Rd

**Reference:** 54-LL-2003

**Staff Contact(s):** Jeff Fisher, Plan Review Director, 480-312-7619, [jfisher@scottsdaleaz.gov](mailto:jfisher@scottsdaleaz.gov)

**4. Caffe Portobello Liquor License – OK - C**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location. This request is due to a change in ownership of the business.

**Location:** 10401 E McDowell Mountain Ranch Rd

**Reference:** 55-LL-2003

**Staff Contact(s):** Jeff Fisher, Plan Review Director, 480-312-7619, [jfisher@scottsdaleaz.gov](mailto:jfisher@scottsdaleaz.gov)

**5. On the Rocks Liquor License – OK – 6/1 (W.E.)**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) State liquor license for an existing bar location.

**Location:** 2515 N Scottsdale Rd

**Reference:** 56-LL-2003

**Staff Contact(s):** Jeff Fisher, Plan Review Director, 480-312-7619, [jfisher@scottsdaleaz.gov](mailto:jfisher@scottsdaleaz.gov)

**6. Mancusos Restaurant Liquor License – OK - C**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a new restaurant location.

**Location:** 32527 N Scottsdale Rd Ste 101

**Reference:** 57-LL-2003

**Staff Contacts:** Jeff Fisher, Plan Review Director, 480-312-7619, [jfisher@scottsdaleaz.gov](mailto:jfisher@scottsdaleaz.gov)

**7. Restaurant Hapa Extension of Premises – OK - C**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an establishment currently operating with a series 12 (restaurant) liquor license.

**Reference:** 20-EX-2003

**Staff Contact(s):** Jeff Fisher, Plan Review Director, 480-312-7619, [jfisher@scottsdaleaz.gov](mailto:jfisher@scottsdaleaz.gov)

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**8. Flicka's Cantina Conditional Use Permit – (D.O. –COI-ARS 38-501)**

**MOTION TO DENY – DIED FOR LACK OF A SECOND**

**MOTION TO APPROVE - OK – 5/1 (W.E.)**

**Request:** Consider a conditional use permit for Live Entertainment on a 1 +/- acre parcel located at 2003 N Scottsdale Road with Highway Commercial (C-3) zoning.

**Location:** 2003 N Scottsdale Rd

**Reference:** 3-UP-2003

**Staff Contacts:** Bill Verschuren, Senior Planner 480-312-7734, [bverschuren@ScottsdaleAZ.gov](mailto:bverschuren@ScottsdaleAZ.gov)  
Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**9. Chevron Oil Stop Conditional Use Permit – OK - C**

**Request:** Consider a conditional use permit for an automotive repair facility on a .43 +/- acre parcel located at 7555 E Camelback Road with Highway Commercial (C-3) zoning.

**Location:** 7555 E Camelback Rd

**Reference:** 8-UP-2003

**Staff Contact(s):** Al Ward, Senior Planner, 480-312-7067, [award@scottsdaleaz.gov](mailto:award@scottsdaleaz.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**10. ReinventED Conditional Use Permit – OK - C**

**Request:** Consider a conditional use permit for a private/charter school on a 11.9 +/- acre parcel located at 9181 E Bell Road with Industrial Park, Planned Community District (I-1 PCD) zoning.

**Location:** 9181 E Bell Rd Ste 102

**Reference:** 11-UP-2003

**Staff Contact(s):** Al Ward, Senior Planner, 480-312-7067, [award@ScottsdaleAZ.gov](mailto:award@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**\*\*\*11. Chalfin Residence Easement Abandonment Moved to Last Item on Regular Agenda**

**12. Ayoub Residence Easement Abandonment – OK - C**

**Request:** Consider the following:

1. Abandon a 40-foot roadway easement along the Mountain View Road alignment.
2. Dedicate a 15-foot public trail easement along the southern property boundary.
3. Dedicate a 1-foot non-vehicular access easement along Mountain View Road.
4. Adopt Resolution No. 6346 vacating and abandoning a portion of roadway easement.

**Location:** 11421 E Arabian Park Dr

**Reference:** 5-AB-2003

**Staff Contact(s):** Cheryl Sumners, Senior Planner, 480-312-7834, [csumners@ScottsdaleAZ.gov](mailto:csumners@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

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**13. Santuario Final Plat – OK - C**

**Request:** Approve Final Plat for a 16-lot gated custom home community on a 20+/- acre parcel.

**Location:** 24995 N Scottsdale Rd

**Reference:** 26-PP-2002

**Staff Contact(s):** Bill Verschuren, Senior Planner, 480-312-7734, [bverschuren@ScottsdaleAZ.gov](mailto:bverschuren@ScottsdaleAZ.gov);  
Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064,  
[kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**14. DC Ranch Parcel 1.17 Final Plat – CONTINUED UNTIL SEPTEMBER 23, 2003 – OK – 7/0**

**Request:** Approve the Final Plat for 167 residential lots on a 47+/- acre parcel.

**Location:** Planning Unit 1 at DC Ranch (Union Hills Dr. east of Pima, west of 94th St.)

**Reference:** 4-PP-2003

**Staff Contacts:** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov);  
Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064,  
[kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**15. DC Ranch Parcel 1.13 Final Plat – CONTINUED UNTIL SEPTEMBER 23, 2003 – OK – 7/0**

**Request:** Approve a Final plat for DC Ranch Parcel 1.13.

**Location:** Planning Unit 1 at DC Ranch - Parcel 1.13

**Reference:** 3-PP-2003

**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov);  
Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064,  
[kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**16. DC Ranch Parcel 1.14 Final Plat – CONTINUED UNTIL SEPTEMBER 23, 2003 – OK – 7/0**

**Request:** Approve a Final Plat for 77 residential lots on a 22 +/- acre parcel.

**Location:** Southeast corner of 94th St. & Union Hills Dr.

**Reference:** 7-PP-2003

**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov);  
Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064,  
[kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**17. DC Ranch Parcel 1.11 Final Plat – CONTINUED UNTIL SEPTEMBER 23, 2003 – OK – 7/0**

**Request:** Approve the Final Plat for 87 residential lots on a 37+/- acre parcel.

**Location:** East side of 94th St. between Union Hills Dr. & Bell Rd.

**Reference:** 8-PP-2003

**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov);  
Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064,  
[kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**18. Streetlight Improvement District for Trails North at Horseman's Park – OK - C**

**Request:** Adopt Resolutions No. 6348 and No. 6349, creating a Streetlight Improvement District.

**Location:** between 98 & 100th St., south of Bell Road

**Reference:** 4-PP-2002#2

**Staff Contact(s):** Kurt Jones, Interim Current Planning Director, 480-312-2524,  
[kjones@ScottsdaleAZ.gov](mailto:kjones@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services  
Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

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**19. Trails North at Horseman's Park Final Plat – OK - C**

**Request:** Approve a Final Plat for 112 residential lots on a 40+/- acre parcel.

**Location:** between 98 & 100th St., south of Bell Road

**Reference:** 4-PP-2002#2

**Staff Contact(s):** Kurt Jones, Interim Current Planning Director, 480-312-2524, [kjones@ScottsdaleAZ.gov](mailto:kjones@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**20. Jupiter Assets Business Park Rezoning – OK - C**

**Request:** Approve the following:

1. To rezone from Single Family Residential, Planned Community District (R1-35 PCD) to Industrial Park, Planned Community District (I-1 PCD) on a 5 +/- acre parcel located at the northwest corner of 90th Street and Bahia Drive.
2. To adopt Ordinance No. 3524 affirming the above rezoning.

**Location:** Northwest corner of 90th Street & Bahia Drive

**Reference:** 6-ZN-2003

**Staff Contact(s):** Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, [kwauwie@ScottsdaleAZ.gov](mailto:kwauwie@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**21. Trails North at Horseman's Park Abandonment – OK - C**

**Request:** Adopt Resolution Number 6369 effectuating the approved abandonment case 2-AB-2002. The required stipulations that needed to be met prior to adopting the Resolution have been satisfied.

**Location:** South of Bell Road between 98th & 100th Streets

**Reference:** 2-AB-2002

**Staff Contact(s):** Cheryl Sumners, Senior Planner, 480-312-7834, [csumners@ScottsdaleAZ.gov](mailto:csumners@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**22. Desert Vista Abandonment - OK – 7/0**

**Request:** Consider the following:

1. Abandon the north 30-foot right-of-way of Parcels 217-12-009D, E, and G, the Desert Vista proposed church/school site, except the west 18 feet.
2. Adopt Resolution Number 6343, reserving a public access easement over the west 15 feet and the south 15 feet of the subject 30 feet.

**Location:** 18201 N 94th St

**Reference:** 7-AB-2003

**Staff Contact(s):** Pete Deeley, Project Coordination Manager, 480-312-2554, [pdeeley@ScottsdaleAZ.gov](mailto:pdeeley@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**23. Desert Vista Charter School Conditional Use Permit - OK – 7/0**

**Request:** Approve a conditional use permit for a private/charter school on a 7.5 +/- acre parcel located at 18201 N 94th Street with Single Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

**Location:** 18201 N 94th St

**Reference:** 7-UP-2003

**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**\*\*\*11. Chalfin Residence Easement Abandonment (Pulled From the Consent Agenda) – OK – 7/0**

**Request:** Consider the following:

1. Abandon the west 33 feet and the north 8 feet of the south 33 feet General Land Office (GLO) patent roadway and public utility easements for parcel 217-32-037C.
2. Adopt Resolution No. 6316, reserving a trail easement over the subject north 8 feet of the south 33 feet.

**Location:** 12580 E Gold Dust Avenue

**Reference:** 4-AB-2003

**Staff Contact(s):** Pete Deeley, Project Coordination Manager, 480-312-2554, [pdeeley@ScottsdaleAZ.gov](mailto:pdeeley@ScottsdaleAZ.gov); Kroy Ekblaw, General Manager Planning & Development Services Department, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov)

**Public Comment - NONE**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

**City Manager's Report - NONE****Mayor and Council Items - NONE****Adjournment – 7:14 P.M.**

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.